

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN ALLAN WALTERS**, on January 24, 2001 at 8:00 A.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Allan Walters, Chairman (R)  
Rep. Debby Barrett, Vice Chairman (R)  
Rep. Tom Dell, Vice Chairman (D)  
Rep. Norma Bixby (D)  
Rep. Dee Brown (R)  
Rep. Donald L. Hedges (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Jent (D)  
Rep. Michelle Lee (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Gay Ann Masolo (R)  
Rep. Holly Raser (D)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)

**Members Excused:** Rep. Alan Olson (R)

**Members Absent:** Rep. Douglas Mood (R)

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Ruthie Padilla, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 342, 1/19/2001  
Executive Action: HB 100; HB 283; HB 311; HJR 8

**HEARING ON HB 342**

**Sponsor:** REPRESENTATIVE GILDA CLANCY, HD 51, HELENA

**Proponents:** None

**Opponents:** None

**Informational:** Wayne Budt, Public Service Commission (PSC)

**Opening Statement by Sponsor:**

*{Tape : 1; Side : A; Approx. Time Counter : 0}*

**REPRESENTATIVE GILDA CLANCY, HD 51, HELENA** said the bill was requested by the Public Service Commission and was generated as a result of an audit conducted by the legislative auditors. PSC is funded by a tax on the utilities it regulates. They collect the tax and place it into a special revenue account. The agency also collects application and compliance fees from motor carriers who request operating authority, as well as copying charges. These fees are placed into a general fund instead of the special revenue account. The auditors recommended that PSC seek a legislative determination on where the fees should be placed.

**Informational Testimony:**

*{Tape : 1; Side : A; Approx. Time Counter : 3.7}*

**Wayne Budt, Public Service Commission (PSC)**, stated this is a policy decision for the legislature to make. If the monies are to continue being deposited into the general fund, then the bill can be tabled. If the funds need to be deposited into the special revenue account, then the bill needs to be passed.

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 4.7}*

**REPRESENTATIVE HEDGES** asked what the special revenue account is used for. **Wayne Budt** replied, currently the legislature sets the budget for PSC and the Department of Revenue collects the tax on the utilities companies to fund the amount the legislature sets. That money is put into the special revenue account.

**REPRESENTATIVE SMITH** asked if the money going into the account is vested. **Wayne Budt** stated all the interest on those monies goes into the account.

**Closing by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 7.3}***

**REPRESENTATIVE CLANCY** commented, all the information has been presented and the determination is up to the legislators.

**EXECUTIVE ACTION ON HB 100**

***{Tape : 1; Side : A; Approx. Time Counter : 9}***

**Motion:** REP. HEDGES moved that HB 100 DO PASS.

**Motion:** REP. MASOLO moved that HB 100 BE AMENDED.

**EXHIBIT(sth19a01)** She submitted written testimony for Jack Holstrom, Board of Personnel Appeals. **EXHIBIT(sth19a02)**

**Discussion:**

**REPRESENTATIVE LEHMAN** commented, his concern is the department has all the control when it comes to the hearing. It makes it a very one sided situation when it comes to grievances. He plans to vote against the bill.

**REPRESENTATIVE RIPLEY** said the amendment does not do anything. The department is still going to have all the authority.

**REPRESENTATIVE BROWN** commented on the submitted letter from Jack Holstrom

**REPRESENTATIVE LENHART** said the amendment takes away the appeals process and he also opposes it.

**Motion/Vote:** REP. MASOLO moved that HB 100 BE AMENDED. Motion failed 2-15 with Hedges and Walters voting aye.

**Discussion:**

**REPRESENTATIVE JENT** said he believes this is a very one sided situation. The department is both judge and jury on classification appeals and feels there is a due process problem with the situation. He is going to vote no on the bill.

**REPRESENTATIVE DELL** said he does not feel this is a system that is broke, therefore, he will not vote in favor of the bill.

**Motion/Vote:** REP. HEDGES moved that HB 100 DO PASS. Motion failed 0-17.

**Motion/Vote:** REP. HEDGES moved that HB 100 BE TABLED. Motion carried unanimously. 17-0.

**EXECUTIVE ACTION ON HB 283**

*{Tape : 1; Side : A; Approx. Time Counter : 21.8}*

**Motion:** REP. DELL moved that HB 283 DO PASS.

**Discussion:**

REPRESENTATIVE BROWN stated it is the responsibility of the individual to make choices throughout their life. It's an issue of responsibility and she is going to vote against the bill.

REPRESENTATIVE HEDGES stated he feels the same as REPRESENTATIVE BROWN.

**Substitute Motion/Vote:** REP. DELL made a substitute motion that HB 283 BE TABLED. Substitute motion carried unanimously. 17-0

**EXECUTIVE ACTION ON HB 311**

*{Tape : 1; Side : A; Approx. Time Counter : 24.5}*

**Motion:** REP. MASOLO moved that HB 311 DO PASS.

**Discussion:**

REPRESENTATIVE RIPLEY stated he feels this is a good bill. This has been a problem for a long time and is needed.

REPRESENTATIVE BARRETT stated she also support the bill. This is why we have disaster officials in our counties.

**Motion/Vote:** REP. MASOLO moved that HB 311 DO PASS. Motion carried unanimously. 17-0

**EXECUTIVE ACTION ON HJR 8**

*{Tape : 1; Side : A; Approx. Time Counter : 27.1}*

**Motion:** REP. JACOBSON moved that HJR 8 DO PASS.

**Motion:** REP. JACOBSON moved that HJR 8 BE AMENDED.

**EXHIBIT** (sth19a03)

**Discussion:**

**REPRESENTATIVE BROWN** said the only comment she had from her constituents on the bill was that they want to see local, everyday citizens participating in this process, not just the government. She feels this would be a great idea to have local folks involved.

**REPRESENTATIVE MASOLO** commented, she has served on interim committees and prefers this be left up to the legislature. There is a lot of citizen input and testimony at the meetings.

**REPRESENTATIVE DELL** stated he agrees with **REPRESENTATIVE MASOLO**. He feels they represent their constituents on the interim committees and there is testimony from the public, which balances it out.

**REPRESENTATIVE JACOBSON** discusses the amendment with the committee.

**REPRESENTATIVE JENT** commented that citizens can be ex-official members of the committee, but cannot be official member, otherwise the committee cannot do committee bills.

**REPRESENTATIVE MASOLO** stated there will be lots of input from individuals and they will be on sub-committees, just do not have them on the committee.

**Sheri Heffelfinger** clarified on the amendment, the interim committee itself, is legislature only composed of four senators and four house bi-partisan committee. The statute says the chairman may appoint a sub-committee, which can consist of non-legislatures. The chairman also has the option of providing compensation and expenses, if the committee has the funding. The sub-committee then can advise and make recommendations to the full committee, but the full committee is the one of full legislatures.

**REPRESENTATIVE MASOLO** stated she rather the amendment not be put on the bill.

**CHAIRMAN WALTERS** said he also is against the amendment.

**Motion/Vote:** REP. JACOBSON moved that **HJR 8 BE AMENDED**. Motion failed 5-12 with Bixby, Dell, Hedges, Jacobson, and Lee voting aye.

**Motion/Vote:** REP. JACOBSON moved that **HJR 8 DO PASS**. Motion carried unanimously. 17-0

**ADJOURNMENT**

Adjournment: 8:43 A.M.

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REP. ALLAN WALTERS, Chairman

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RUTHIE PADILLA, Secretary

AW/RP

**EXHIBIT (sth19aad)**